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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 10/645,371 08/21/2003 Bridgette Server 20878.NP 7446 20551 7590 11/08/2004 EXAMINER THORPE NORTH & WESTERN, LLP. 8180 SOUTH 700 EAST, SUITE 200 P.O. BOX 1219 SANDY, UT 84070 ART UNIT PAPER NUMBER 3724					
20551 7590 11/08/2004 EXAMINER THORPE NORTH & WESTERN, LLP. 8180 SOUTH 700 EAST, SUITE 200 P.O. BOX 1219 ART UNIT PAPER NUMBER	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
THORPE NORTH & WESTERN, LLP. 8180 SOUTH 700 EAST, SUITE 200 P.O. BOX 1219 BLAKE, CAROLYN T ART UNIT PAPER NUMBER	10/645,371	08/21/2003	Bridgette Server	20878.NP	7446
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DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(s) Applicant(s) Art Unit SERVER, BRIDGETTE Examiner Art Unit ST24 Art Unit				g .
Examiner Carolyn T Blake 3724		Application No	. Applicant(s)	\$
Carolyn T Blake 3724 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. He period for reply specified above is less than thirty (30) days, a reply the limited with the control of the period for reply specified above is less than thirty (30) days and very specified (in MONTHS) from the mailing date of this communication. He period for reply specified above is less than thirty (30) days, a reply within the stationy reliable with (in MONTHS) from the mailing date of this communication. He period for reply specified above is less than thirty (30) days, and very days (in MONTHS) from the mailing date of this communication, and the period of the specified through the station of the period of the specified through the station of the period of the specified through the station of the specified through the station of the mailing date of the communication, even if timely fised, may reduce any reduce any reply received by the Office lister than them months after the mailing date of the communication. Any reply received by the Office lister than them months after the mailing date of the communication. Any reply received by the Office lister than them months after the mailing date of the communication. Status 1) Responsive to communication (s) filled on the filling date of the application. 2a) This action is FINAL. 2b) This action is non-final. 3b) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-21 is/are pending in the application. 4) Claim(s) 1-21 is/are pending in the application. 5) Claim(s) 1-21 is/are allowed. 6) Claim(s) 1-21 is/are allowed. 6) Claim(s) 1-21 is/are allowed. 7) Claim(s) 1-21 is/are allowed. 8) Claim(s) 1-21 is/are all		10/645,371	SERVER, BRI	DGETTE
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Application/Control Number: 10/645,371

Art Unit: 3724

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-17, drawn to a punching and setting tool, classified in class 83, subclass 682.
 - II. Claims 18-21, drawn to a method for fastening at least two mediums of a scrapbook or photo album, classified in class 83, subclass 13.
- 2. The inventions are distinct, each from the other because inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case (2) applies because the apparatus as claimed can be used to practice another and materially different process such as punching holes in several sheets of lined paper and fastening the paper together to form a notebook. This method does not involve a scrapbook or photo album.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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5. Any inquiry concerning this communication or earlier communications from the

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examiner should be directed to Carolyn T Blake whose telephone number is (703) 305-

0390. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30

PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Allan N Shoap can be reached on (703) 308-1082. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

СВ

November 3, 2004

Allan N. Shoap

Supervisory Patent Examiner

Group 3700